

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

Adult Source Media,	§	
A CALIFORNIA COMPANY,	§	
PLAINTIFF,	§	
	§	
VS.	§	
	§	
DOES 1-247,	§	3:10-CV-2605-M (BK)
	§	
DEFENDANTS.	§	

**ORDER GRANTING PLAINTIFF’S MOTION FOR LEAVE TO TAKE DISCOVERY  
PRIOR TO RULE 26(f) CONFERENCE**

The Court has read all the papers filed in connection with the Plaintiff’s Motion for Leave to Take Discovery Prior to the Rule 26(f) Conference (“Motion”), and considered the sworn declaration and issues raised therein, including the unique aspects of BitTorrent infringement. Based on that review, the Court deems the motion meritorious.

Accordingly, Plaintiff’s Motion for Leave to Take Discovery Prior to the Rule 26(f) Conference is GRANTED.

Plaintiff is PERMITTED to serve immediate discovery on the internet service providers included in Exhibit A of this Order to obtain the identity of each John Doe Defendant by serving each a Rule 45 subpoena that seeks information sufficient to identify each Defendant, including name, current (and permanent) addresses, telephone numbers, email addresses, and Media Access Control addresses;

Plaintiff may serve immediate discovery on any service provider identified by the same means detailed in the Declaration and Motion, or identified as providing internet access to one or more Doe Defendants, by a provider upon whom a Rule 45 subpoena is served, for which an

infringing download has been identified by individual IP address together with the date and time the infringing activity through that IP address occurred. Such Rule 45 subpoena shall seek information sufficient to identify each Doe Defendant, including his or her name, address, telephone number, e-mail address, and Media Access Control Address;

Plaintiff is further PERMITTED to serve a Rule 45 subpoena in the same manner as above to any service provider that is identified in response to a subpoena as a provider of internet services to one of the John Doe Defendants;

IT IS ORDERED that any information disclosed to Plaintiff in response to a Rule 45 subpoena may be used by Plaintiff solely for the purpose of protecting Plaintiff's rights as set forth in its Complaint;

Any service provider which receives a subpoena is ORDERED to provide Plaintiff with the requested records in a timely manner and shall not assess production fees, if any, to Plaintiff until delivery of said records;

If the number of defendants listed in a single subpoena exceeds one-hundred, the service provider is PERMITTED to provide the records in partial batches over a period of months, with the first batch to be delivered within two months of the date of service of the subpoena and the final batch to be delivered not more than six months from the date of service of the subpoena;

IT IS ORDERED that any service provider demanding fees for production of records shall assess a reduced fee, if any, for IP addresses for which the service provider does not have records or for multiple IP addresses in the subpoena that resolve to the same individual;

Any service provider which receives a subpoena and elects to charge for the costs of production is ORDERED to provide a billing summary and any cost reports that serve as a basis

for such billing summary and any costs claimed by such provider;

The service provider is further ORDERED to preserve any subpoenaed information pending the resolution of any timely filed motion to quash;

Plaintiff is ORDERED to provide each service provider with a copy of this Order.

SO ORDERED on January 13, 2011.



RENÉE HARRIS TOLIVER  
UNITED STATES MAGISTRATE JUDGE

**Exhibit A**

<b>ISP</b>
<b>AMAZON.COM</b>
<b>Armstrong Cable Services</b>
<b>BellSouth.net</b>
<b>Braintree Electric Light Dept.</b>
<b>Bresnan Communications</b>
<b>CABLE ONE</b>
<b>Charter Communications</b>
<b>Clearwire Corporation</b>
<b>Comcast Cable</b>
<b>Cox Communications</b>
<b>DLS Internet Services</b>
<b>Hawaiian Telcom Services Company</b>
<b>Insight Communications Company</b>
<b>Knology</b>
<b>Mediacom Communications Corp</b>
<b>Mid-Hudson Cablevision</b>
<b>Optimum Online</b>
<b>PortBridge Internet Services LLC</b>
<b>Qwest Communications</b>
<b>RCN Corporation</b>
<b>Road Runner</b>
<b>SBC Internet Services</b>
<b>Suddenlink Communications</b>
<b>TDS TELECOM</b>
<b>TEC of Jackson</b>
<b>Verizon Internet Services</b>
<b>ViaWest Internet Services</b>
<b>Wave Broadband</b>
<b>WideOpenWest</b>